

REMARKS

In response to the Office Action mailed on August 5, 2008, we hereby request entry of the foregoing amendments and consideration of the following remarks. The foregoing amendments have cancelled claims 1-17 and 33-55 to simplify the issues currently before the Examiner. These claims are cancelled without prejudice or disclaimer, however, and we expressly reserve the right to re-enter these or similar claims at a later point of prosecution, or in a continuation application.

After entry of the amendments, claims 56-77 are pending in the application. No new matter is added.

37 C.F.R. 1.57 Request

We are submitting an Information Disclosure Statement with a copy of the requested SitePlanner Version 3.16 Manual.

Section 101 Rejections

Claims 13-17 are rejected under 35 U.S.C. § 101. Without consenting to the rejection, we have cancelled these claims without prejudice or disclaimer, so the rejection is now moot.

Section 112 Rejections

The Office Action rejects each of our claims under 35 U.S.C. § 112, first paragraph, but the Office Action does not state which specific language of our claims gives rise to the rejection. The previous Office Action mailed on November 15, 2007 alleged that our Specification did not describe “a communications network analysis system comprising a computer” as recited in claims 1-10 and 12-31 (which are now cancelled), and this rejection was addressed in our prior response. In particular, we noted in our prior remarks that a “computer” is referenced more than fifty times in the Specification, and we quoted several portions of our Specification as filed. We also noted that a computer system is described in the SitePlanner Manual that is incorporated by reference into our Specification. We did not, however, state at any time that the SitePlanner material was

essential to overcome the Section 112 rejection of the prior claims. To the contrary, we provided several bases for overcoming the rejection in addition to the SitePlanner material.

We therefore strongly object to the Office Action's incorrect characterization of our prior statements as alleging that the material incorporated by reference into the Specification is "essential material". Our prior remarks clearly stated that a person skilled in the art would be capable of implementing the claimed features on a computer system in view of the specification as originally-filed, even in the absence of the material incorporated by reference. As previously noted, we expressly stated that the "computer" feature of the various claims is referenced in the specification as filed more than fifty times, and we pointed out several specific examples in the Specification apart from the incorporated material that describe implementation on a computer system. We therefore described the material incorporated by reference as being cumulative to the originally-filed language, rather than as essential. Our prior remarks should not be taken as any sort of admission to the contrary.

In any event, the claims that were originally rejected under Section 112 paragraph one (i.e., claims 1-10 and 12-31) have all been canceled, so the rejection is believed to be moot. If the rejection is maintained in the remaining claims, we respectfully request that the Examiner set forth the particular language of each claim that gives rise to the rejection.

Claims 13-17 are rejected under 35 U.S.C. § 112, second paragraph. These claims have been cancelled in this Response, so this rejection is now moot.

Prior Art Rejections

The Office Action continues to reject claims 1-17 and 32-55 under 35 U.S.C. § 103, citing the Fortune article addressed in our prior correspondence in combination with "Web Enabling Applications" by Brent Welch et al ("Welch"). We respectfully note that Office Action continues to cite the Fortune reference against the various portions of the cancelled claims without addressing our prior comments regarding the shortcomings of the Fortune reference. Nevertheless, these claims have been cancelled to simplify the issues currently before the Examiner, so the rejection is now moot.

The Office Action also rejects each of our claims under 35 U.S.C. § 102, citing the SitePlanner Version 3.16 Manual referenced above. We respectfully traverse the

rejections because the cited reference does not describe each and every feature of our various claims. Indeed, the Office Action only cites specific portions of the reference against our claim 56, and does not attempt to provide any citation for the features found in any of the other claims (including any of the dependent claims) in the reference. In the event that the rejection is maintained, we respectfully request that the Examiner set forth in detail the bases for rejecting each feature of our independent and dependent claims.

Moreover, the reference does not describe the various features alleged in the Office Action. More particularly, both the SitePlanner Version 3.16 Manual and the Version 3.0 manual previously submitted relate to earlier versions of a network analysis program that did not provide the frequency-related features of our various claims, such as *evaluating the particular components of the model based upon the frequency-dependent characteristics obtained from the parts list library*, as recited in claim 56. The cited reference therefore fails to describe or suggest at least these aspects of the claims.

Indeed, the Office Action seems to imply that the SitePlanner manual describes the various features of our claims simply because it describes certain features relating to antennas, which are alleged to be “frequency dependent”. The mere disclosure of an antenna, however, does not meet the specific language of our claims.

In applying the SitePlanner Manual against our claim 56, for example, the Office Action alleges that FIG. 5.29 of the Manual describes obtaining information “from a parts library” that “includes frequency-dependent characteristics of particular ones of the plurality of components”, alleging that “antennas are frequency dependent”. FIG. 5.29 of the reference and its associated text are reproduced below:

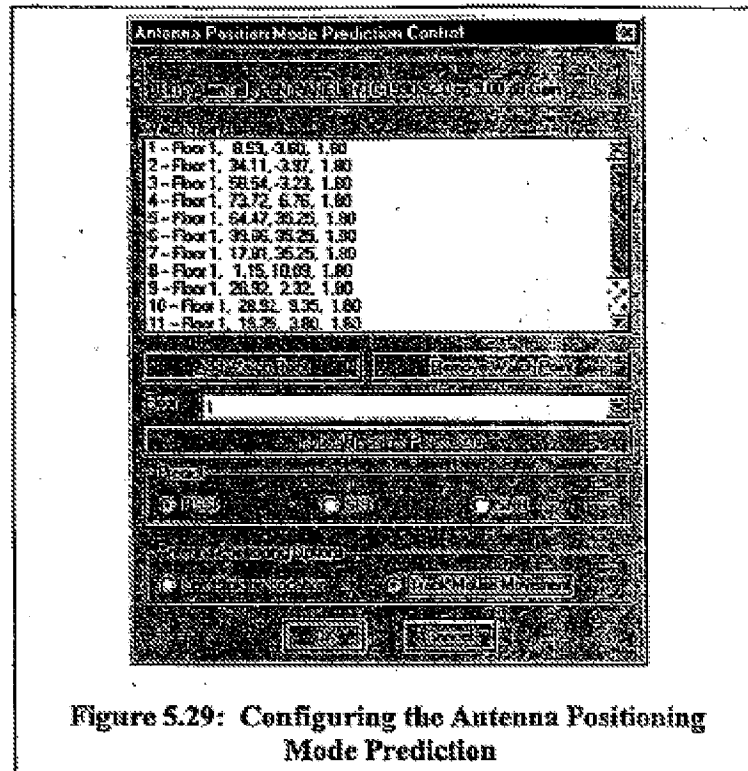


Figure 5.29: Configuring the Antenna Positioning Mode Prediction

Once you have done this, the dialog box shown in Figure 5.29 is displayed. This box allows you to configure for Antenna Positioning Mode by allowing you to place watch points throughout the building drawing, even across different floors, and pick what information you wish to display at each watch point (either RSSI, SIR, or SNR).

Note that this Figure and text plainly relate to an “Antenna Positioning Mode” feature that allows the model to monitor a received signal strength indicator (RSSI), a signal-to-interference ratio (SIR) or a signal-to-noise ratio (SNR) at various points on the “building drawing” to determine a suitable location for placing a component. This feature does not, however, consider frequency dependent characteristics of the particular components as recited in our claims. The RSSI, SIR and SNR described in the reference are not “frequency-dependent characteristics of particular ones of the plurality of components” that are obtained from the library, but rather simply relate to signal strength or quality. That is, the RSSI, SIR and SNR are determined values that are obtained from the model, and not from the library. This does not meet the language of claim 56, which

recites obtaining frequency-dependent characteristics of particular components from a parts library. Hence, the cited reference does not describe the features of claim 56 for which it is cited.

Moreover, the reference does not describe or suggest *evaluating the particular components of the model based upon the frequency-dependent characteristics obtained from the parts list library*, as recited in claim 56. The Office Action simply cites to page 108 of the SitePlanner Manual as providing this feature, again noting that this portion of the manual relates to performance of antennas. We have reviewed page 108 of both versions of the SitePlanner Manual (version 3.0 and 3.16), however, and neither of these relate even remotely to the language of our claim. Page 108 of the SitePlanner Version 3.0 Manual begins a discussion of “Pathloss Models and Environmental Parameters” that does not relate to frequency evaluation in any way. Page 108 of the SitePlanner Version 3.16 Manual contains a discussion of “Buildings Having More Than Nine Floors” that similarly fails to address the language of our claims. Claim 56, for example, recites *evaluating the particular components of the model based upon the frequency-dependent characteristics obtained from the parts list library*.

As a result, the cited SitePlanner Manual (either version 3.0 or 3.16) does not describe the various features of our claim for which it is cited. The other claims (e.g., each of the dependent claims) add additional features that are not even remotely addressed in the Office Action. Claims 66-70, for example, recite additional details about the frequency processing features that are well beyond the scope of the cited reference. We therefore respectfully request reconsideration of the rejection; if the rejection is maintained, we further request that the Examiner provide specific citation to the document for each of the features in our independent and dependent claims that are alleged to be found within the cited reference.

Should the Examiner have any questions or wish to further discuss this application, the undersigned would welcome a telephone call at 480.385.5060.

No official fee is believed to be due in connection with this Response, other than the fees for the three month extension of time and additional claims that are addressed elsewhere in this submittal. If, however, any additional time extension or fee is required to consider this response or to otherwise prevent abandonment of this application, please

Application Serial No. 10/697,557

consider this as a request for an extension of time and as authorization to charge Deposit Account No. 50-2091 for any fee that may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ, P.C.

Dated: November 5, 2008

/BRETT A. CARLSON /

Brett A. Carlson

USPTO Reg. No. 39,928

(480) 385-5060